

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**  
JAN - 8 2019  
Clerk, U S District Court  
District Of Montana  
Billings

ANTHONY SCOTT,

Plaintiff,

vs.

BILLINGS POLICE DEPARTMENT;  
STEVE HALLAM; SETH FOSTER;  
DAVID FIREBAUGH; KRAMER;  
and NICK LAM,

Defendants.

CV 18-89-BLG-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations (Doc. 98) on December 17, 2018. Judge Lynch recommended granting Defendant Billings Police Department's Motion to Dismiss as well as the Individual Defendants' Motion for Summary Judgment. (*Id.* at 13.) Plaintiff did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Lynch's Amended Recommendation (Doc. 98) is ADOPTED IN FULL:

1. Defendant Billings Police Department's Motion to Dismiss (Doc. 59) is GRANTED.

2. The Individual Defendants' Cross-Motion for Summary Judgment (Doc. 81) is GRANTED as to Plaintiff's federal claims and DENIED as to Plaintiff's state law claims.

3. Plaintiff's Motion for Summary Judgment (Doc. 62), Motion to Amend (Doc. 64), and Motion to Correct (Doc. 90) are DENIED.

4. The Court DECLINES supplemental jurisdiction and Plaintiff's state-law claims are DISMISSED WITHOUT PREJUDICE.

5. All claims being resolved, the Clerk of Court is directed to enter judgment by separate document.

DATED this 8<sup>th</sup> day of January, 2019.

  
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Dana L. Christensen, Chief Judge  
United States District Court